

**Congress of the United States**

**United States Senate**

**Committee on the Judiciary**

**SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND  
GOVERNMENT INFORMATION**

**Testimony of**

**JAMES CLAPPER, JR.**

**(Lieutenant General, U.S. Air Force, Retired)**

**Vice Chairman,  
Advisory Panel to Assess Domestic Response Capabilities  
for Terrorism Involving Weapons of Mass Destruction**

**27 March 2001**

## TESTIMONY OF JAMES CLAPPER, JR.

Mr. Chairman, Members of the Subcommittee, I am honored to be here today. I come before you as the Vice Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, also known as the “Gilmore Commission” (after its Chairman, Governor James S. Gilmore, III, of Virginia). Thank you for the opportunity to present the views of the Advisory Panel.

The Advisory Panel was established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105<sup>th</sup> Congress, 2nd Session) (October 17, 1998). That Act directed the Advisory Panel to accomplish several specific tasks. It said:

The panel shall--

1. assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;
2. assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;
3. assess deficiencies in programs for response to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning requirements, and the needs of maritime regions;
4. recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and
5. assess the appropriate roles of State and local government in funding effective local response capabilities.

The Act requires the Advisory Panel to report its findings, conclusions, and recommendations for improving Federal, State, and local domestic emergency

preparedness to respond to incidents involving weapons of mass destruction to the President and the Congress at three times during the course of the Advisory Panel's deliberations—on December 15 in 1999, 2000, and 2001.

Mr. Chairman, you have asked that we provide testimony today on the findings and their related recommendations contained in the second report of the Advisory Panel, entitled "Toward a National Strategy for Combating Terrorism," dated December 15, 2000. I will outline those recommendations, and will provide a more detailed description on two of them—one dealing with the need for a national strategy, the other on the structure of the Executive Branch for dealing with terrorism. You have also asked that I note the areas of agreement and disagreement that the Gilmore Commission has with the report of the National Commission on Terrorism, which was chaired by former Ambassador L. Paul Bremer.

### ***Principal Findings and Recommendations in the Second Annual Report***

#### **A National Strategy for Combating Terrorism**

"The United States has no coherent, functional national strategy for combating terrorism; and the next President should develop and present to the Congress a national strategy for combating terrorism within one year of assuming office."

Mr. Chairman and Members, the Advisory Panel believes that a truly comprehensive national strategy will contain a high-level statement of national objectives coupled logically to a statement of the means to be used to achieve these objectives. Currently, there is no overarching statement of what the United States is trying to achieve with its program to combat terrorism. Goals must be expressed in terms of results, not process. Government officials have, in the past, spoken of terrorism preparedness goals

in terms of program execution. A comprehensive national strategy will answer the more fundamental and important question: To what end are these programs being implemented?

Instead of a national strategy, the nation has had a loosely coupled set of plans and specific programs that aim, individually, to achieve certain particular preparedness objectives. Senior U.S. officials have previously stated that several official broad policy and planning documents that were published in the prior administration—Presidential Decision Directives 39 and 62, the Attorney General’s 1999 Five-Year Interagency Counterterrorism and Technology Crime Plan, and the most recent Annual Report to Congress on Combating Terrorism<sup>1</sup>—taken as a whole, constitute a national strategy. These documents describe plans, the compilation of various programs already under way, and some objectives; but they do not either individually or collectively constitute a national strategy.

Although Executive Branch agencies are administering programs assigned to them in the various pieces of legislation, the Executive Branch, under the former administration, did not articulate a broad national strategy that would synchronize the existing programs or identify future program priorities needed to achieve national objectives for domestic preparedness for terrorism. Moreover, it is our view that, given the structure of our national government, only the Executive Branch can produce such a national strategy.

As a result, we recommended that the incoming Administration begin the process of developing a national strategy by a thoughtful articulation of national goals for combating

---

<sup>1</sup> The Office of Management and Budget, *Annual Report to Congress on Combating Terrorism, Including Defense against Weapons of Mass Destruction/Domestic Preparedness and Critical Infrastructure Protection*, May 18, 2000.

terrorism, focusing on results rather than process. The structure and specifics of the national program should derive logically and transparently from the goals, not the other way around.

### Basic Assumptions

The Advisory Panel agreed on several basic assumptions to guide its approach to strategy development. First, “local” response entities—law enforcement, fire service, emergency medical technicians, hospital emergency personnel, public health officials, and emergency managers—will *always* be the “first” and conceivably only response.

Second, in the event of a *major* terrorist attack, however defined—number of fatalities or total casualties, the point at which local and State capabilities are overwhelmed, or some other measure—no single jurisdiction is likely to be capable of responding to such an attack without outside assistance. That assumption is critical to understanding the need for mutual aid agreements and coordinated operations.

Third—and perhaps most important—there are existing emergency response and management capabilities, developed over many years, for responses to natural disasters, disease outbreaks, and accidents. Those capabilities can and should be used as a base for enhancing our domestic capability for response to a terrorist attack. We can strengthen existing capabilities without buying duplicative, cost-prohibitive new capabilities exclusively dedicated to terrorism.

### Major Elements of the National Strategy

The national strategy should be geographically and functionally comprehensive. It should address both international and domestic terrorism. The distinction between terrorism outside the borders of the United States and terrorist threats domestically is

eroding. International terrorism crosses borders easily and may directly affect the American homeland. That was evident in the New York World Trade Center bombing in 1993, and more recently in the activities around the turn of the century. The terrorist bombings of the U.S. garrison at Khobar Towers, Saudi Arabia, the two U.S. embassies in East Africa, and the recent USS *Cole* incident, also illustrate the reach of terrorists against U.S. interests and the profound domestic implications they pose.

To be functionally comprehensive, the national strategy should address the full spectrum of the nation's efforts against terrorism: intelligence, deterrence, prevention, investigation, prosecution, preemption, crisis management, and consequence management. Our nation's highest goal must be the deterrence and prevention of terrorism. The United States cannot, however, prevent all terrorist attacks. When deterrence and prevention fail, the nation must respond effectively to terrorism, whether to resolve an ongoing incident, mitigate its consequences, identify the perpetrators, and prosecute or retaliate as appropriate. The national strategy should deal with all aspects of combating terrorism and must carefully weigh their relative importance for the purpose of allocating resources among them.

The national strategy should apply to the nation as a whole, not just the Federal Executive Branch. The Federal government should lead a strategic planning process that involves States and communities as essential and equal partners.

The national strategy must be appropriately resourced, by all levels of government, to provide a reasonable opportunity to achieve its successful implementation. At the Federal level, that will require a closer relationship between the

Executive and Legislative Branches. Nationally, that will require better coordination with State and local governments.

#### Articulating the End State: National Goals

The first step in developing a coherent national strategy is for the Executive Branch to define some meaningful, measurable expression of what it is trying to achieve in combating terrorism. The Federal government's goals have previously been expressed primarily in terms of program execution. Administrative measurements alone do not foster effective management of a national program.

The national strategy must express preparedness goals in terms of an "end state" toward which the program strives. Since there exists no ready-made measurement of a country's preparedness for terrorism, especially domestically, the Executive Branch must develop objective measurements for its program to combat terrorism, to track its progress, to determine priorities and appropriate funding levels, and to know when the desired "end state" has been achieved.

The nation's strategy for combating terrorism requires results-based goals for three reasons. First, the programs need an end-state goal. Elected and appointed officials from Federal, State, and local governments must be able to allocate resources to specific geographic regions according to requirements of that region. Resources should be allocated to achieve that broadest application for all emergency and disaster needs, consistent with preparedness goals. That approach is fundamental to the principles of building on existing systems and to achieving the maximum possible multipurpose capability.

Second, programs for combating terrorism need accountability. Legislators and public officials, especially elected ones, must have some reliable, systematic way of assessing the extent to which their efforts and taxpayers' money are producing effective results. The performance and results of programs for combating terrorism are currently assessed almost solely according to anecdote. The only concrete measure available at the moment is the dispersal of Federal funds—a process measurement that does not achieve effective strategic management.

Third, programs for combating terrorism need clear priorities. It is impossible to set priorities without first defining results-based objectives. The essence of any coherent strategy is a clear statement of priorities that can be translated into specific policy and programmatic initiatives. Priorities are the transmission mechanism that connects ends to means.

#### Fostering the Means of Strategy: Program Structure and Priorities

Setting priorities is essential in any strategy, but priorities require clear, results-based objectives. With some meaningful sense of objectives, it will be possible to develop coherent priorities and an appropriate set of policy prescriptions. For instance, should the nation seek a different level of preparedness for large urban centers than for rural areas? What should be the relative importance of preparing for conventional terrorism, radiological incidents, chemical weapons, biological weapons, or cyber attacks? Should the nation seek to improve its preparedness more against the types of attacks that are most likely to occur, such as conventional terrorist bombings or the use of industrial chemicals, or for those that are most damaging but less likely to occur, such as nuclear weapons or military-grade chemical or biological weapons? With respect to

biological weapons, which pathogens deserve priority? Should the emphasis be on small-scale contamination attacks as opposed to large-scale aerosol releases of the worst pathogen types, such as anthrax, plague, and smallpox? What is the relative priority for allocating resources to protect critical infrastructure, especially from cyber attacks?

The answers to these and other questions have important implications for the allocation of resources for training, equipment acquisition, exercises, research and development, pharmaceutical stockpiles, vaccination programs, and response plans. A coherent national strategy would provide clarity to the allocation of resources across the full range of possible activities to combat terrorism. To date, these critical resource allocation decisions have been made in an ad hoc manner and without reference to meaningful national goals.

We cannot stress strongly enough that the strategy must be truly national in character—not just Federal. The approach to the *domestic* part of the national strategy should, therefore, be “bottom up,” developed in close coordination with local, State, and other Federal entities.

Mr. Chairman, for those and other reasons, we believe that it is time to craft a national strategy for combating terrorism to guide our efforts—one that will give our citizens a level of assurance that we have a good plan for dealing with the issue; one that will provide State and local governments with some direction that will help them make decisions that will contribute to the overall national effort; one that will let our potential adversaries know, in no uncertain terms, how serious we are.

## **The National Office for Combating Terrorism**

“The United States has no coherent, functional national strategy for combating terrorism; and the next President should develop and present to the Congress a national strategy for combating terrorism within one year of assuming office.”

To many at the State and local levels, the structure and process at the Federal level for combating terrorism appear uncoordinated, complex, and confusing. Our first report included a graphical depiction of the numerous Federal agencies and offices within those agencies that have responsibilities for combating terrorism. I have provided additional copies of those charts to the Members of the subcommittee as one way of illustrating the level of complexity.

Attempts to create a Federal focal point for coordination with State and local officials—such as the National Domestic Preparedness Office—have been only partially successful. Moreover, many State and local officials believe that Federal programs intended to assist at their levels are often created and implemented without consulting them. Confusion often exists even within the Federal bureaucracy. The current coordination structure does not possess the requisite authority or accountability to make policy changes and to impose the discipline necessary among the numerous Federal agencies involved.

For those and other reasons, we recommended the establishment of a senior level coordination entity in the Executive Office of the President, entitled the “National Office for Combating Terrorism,” with the responsibility for developing domestic and international policy and for coordinating the program and budget of the Federal government’s activities for combating terrorism. The title of the entity is not as

important as its responsibilities, the functions that it will be called upon to perform, and the structure and authorities that we believe, at a minimum, such an entity must have.

#### Responsibilities and Functions

1. National Strategy. Foremost will be the responsibility to develop the comprehensive national strategy described above. That strategy must be approved by the President and updated annually.
2. Program and Budget. A concurrent responsibility of the National Office for Combating Terrorism will be to work within the Executive Branch and with the Congress to ensure that sufficient resources are allocated to support the execution of the national strategy. The U.S. strategy for deterrence, prevention, preparedness, and response for terrorists acts outside the United States, developed under the leadership of the Department of State, is comprehensive and, for the most part, appropriately resourced. It is on the domestic front that much additional effort and coordination will be required. The Executive should provide comprehensive information to the Congress to consider in the deliberative authorization and appropriations processes. In addition to a comprehensive strategy document, supporting budget information should include a complete description and justification for each program, coupled with current and proposed out-year expenditures.
3. Intelligence Coordination and Analysis. We recommended that the National Office for Combating Terrorism provide coordination and advocacy for both foreign and domestic terrorism-related intelligence activities, including the development of national net assessments of terrorist threats. A critical task will be to develop, in concert with the Intelligence Community—including its Federal law enforcement components—policies

and plans for the dissemination of intelligence and other pertinent information on terrorist threats to designated entities at all levels of government—local, State, and Federal.

To oversee that activity, we recommended that an Assistant Director for Intelligence in the National Office direct the intelligence function for Combating Terrorism, who should be “dual-hatted” as the National Intelligence Officer (NIO) for Combating Terrorism at the National Intelligence Council. That Assistant Director/NIO and staff would be responsible for compiling terrorism intelligence products from the various agencies, for providing national-level threat assessments for inclusion in the national strategy, and for producing composite or “fused” products for dissemination to designated Federal, State, and local entities, as appropriate. That person will serve as focal point for developing policy for combating terrorism intelligence matters, keeping the policymaking and operational aspects of intelligence collection and analysis separate. The Assistant Director will also be the logical interface with the intelligence oversight committees of the Congress. It is, in our view, important to have a senior-level position created for this purpose. To assist in this intelligence function, we also recommended the establishment of a “Council to Coordinate Intelligence for Combating Terrorism,” to provide strategic direction for intelligence collection and analysis, as well as a clearance mechanism for product dissemination and other related activities. It should consist of the heads of the various Intelligence Community entities and State and local representatives who have been granted appropriate security clearance.

4. Plans Review. We recommended that the National Office for Combating Terrorism be given authority to review State and geographical area strategic plans, and at the request of State entities, review local plans or programs for combating terrorism, for

consistency with the national strategy. That review will allow the National Office to identify gaps and deficiencies in Federal programs.

5. **Proposals for Change.** We recommended that the National Office for Combating Terrorism have authority to propose new Federal programs or changes to existing programs, including Federal statutory or regulatory authority.

6. **Domestic Preparedness Programs.** The National Office should direct the coordination of Federal programs designed to assist response entities at the local and State levels, especially in the areas of “crisis” and “consequence” planning, training, exercises, and equipment programs for combating terrorism. The national strategy that the National Office should develop—in coordination with State and local stakeholders—must provide strategic direction and priorities for programs and activities in each of these areas.

7. **Health and Medical Programs.** Much remains to be done in the coordination and enhancement of Federal health and medical programs for combating terrorism and for coordination among public health officials, public and private hospitals, pre-hospital emergency medical service (EMS) entities, and the emergency management communities. The National Office should provide direction for the establishment of national education programs for the health and medical disciplines, for the development of national standards for health and medical response to terrorism, and for clarifying various legal and regulatory authority for health and medical response.

8. **Research, Development, Test, and Evaluation (RDT&E), and National Standards.** The National Office should have the responsibility for coordinating programs in these two areas. The national strategy should provide direction and priorities for RDT&E for combating terrorism. We believe that the Federal government has primary responsibility

for combating terrorism RDT&E. Moreover, we have essentially no nationally recognized standards in such areas as personal protective equipment, detection equipment, and laboratory protocols and techniques.

9. Clearinghouse Function. We recommended that the National Office for Combating Terrorism serve as the information clearinghouse and central Federal point of contact for State and local entities. It is difficult for local jurisdictions and State agencies, even those with experience in complex Federal programs, to navigate the maze of the Federal structure. The National Office for Combating Terrorism should assume that role and serve as the “one-stop shop” for providing advice and assistance on Federal programs for training, planning, exercises, equipment, reporting, and other information of value to local and State entities.

#### Structure and Authority

1. Political Accountability and Responsibility. The person designated as the focal point for developing a national strategy and for coordinating Federal programs for combating terrorism must have political accountability and responsibility. That person should be vested with sufficient authority to accomplish the purposes for which the office is created and should be the senior point of contact of the Executive Branch with the Congress. For these reasons, we recommended that the President appoint and the Senate confirm the Director of the National Office for Combating Terrorism, who should serve in a “cabinet-level” position.

2. Program and Budget Authority. The National Office for Combating Terrorism should have sufficient budget authority and programmatic oversight to influence the resource allocation process and ensure program compatibility. That authority should include the

responsibility to conduct a full review of Federal agency programs and budgets, to ensure compliance with the programmatic and funding priorities established in the approved national strategy, and to eliminate conflicts and unnecessary duplication among agencies. That authority should also include a structured certification/decertification process to formally “decertify” all or part of an agency’s budget as noncompliant with the national strategy. A decertification would require the agency to revise its budget to make it compliant or, alternatively, to allow the agency head to appeal the decertification decision to the President. This limited authority would not give the Director of the National Office the power to “veto” all or part of any agency’s budget, or the authority to redirect funds within an agency or among agencies

3. Multidisciplinary Staffing. The National Office for Combating Terrorism should have full-time multidisciplinary expertise, with representation from each of the Federal agencies with responsibilities for combating terrorism, and with resident State and local expertise. For programs with a domestic focus, the National Office for Combating Terrorism must have sufficient resources to employ persons with State and local expertise and from each of the response disciplines.

4. No Operational Control. While the National Office for Combating Terrorism should be vested with specific program coordination and budget authority, it is not our intention that it have “operational” control over various Federal agency activities. We recommended that the National Office for Combating Terrorism not be “in charge” of response operations in the event of a terrorist attack. The National Office should provide a coordinating function and disseminate intelligence and other critical information. Mr. Chairman, I should note at this point that the word “czar” is inappropriate to describe this

office. The Director of this office should not be empowered to order any Federal agency to undertake any specific activity. With few exceptions, we recommended that existing programs remain in the agencies in which they currently reside. One notable exception will be the functions of the National Domestic Preparedness Office (NDPO), currently housed in the Federal Bureau of Investigation. The new office should subsume all of the *intended* functions of the NDPO—coordination, information clearinghouse, advice and assistance to State and local entities. The National Office for Combating Terrorism should also assume many of the interagency coordination functions currently managed by the National Security Council office of the National Coordinator for Security, Counterterrorism, and Infrastructure Protection. For example, the responsibility for coordination of certain functions related to combating terrorism—Assistance to State and Local Authorities, Research and Development, Contingency Planning and Exercises, and Legislative and Legal Issues, among others—will devolve to the National Office for Combating Terrorism. We also recommended that the National Office for Combating Terrorism absorb certain entities as adjuncts to its office, such as the Interagency Board for Equipment Standardization and InterOperability.

5. Advisory Board for Domestic Programs. To assist in providing broad strategic guidance and to serve as part of the approval process for the domestic portion of strategy, plans, and programs of the National Office for Combating Terrorism, we recommended the establishment of a national “Advisory Board for Domestic Programs.” That Board should include one or more sitting State governors, mayors of several U.S. cities, the heads of several major professional organizations, and a few nationally recognized

terrorism subject matter experts, as well as senior officials from relevant Federal agencies. The President and the Congress should each appoint members to this board.

#### Alternatives Considered

Mr. Chairman, the members of the Advisory Panel considered a number of alternatives to our recommendation for a National Office of the type that I have described, before coming to the unanimous conclusion that the path we chose was by far the best of the alternatives. Among others considered by the panel was a new Deputy Attorney General, an “enhanced” Federal Emergency Management Agency, the possibility of some other Federal agency, or simply trying to improve upon the *status quo*. I will be pleased to answer questions from Members about our rationale for discounting those alternatives.

#### **Congressional Issues**

“The Congress shares responsibility for the inadequate coordination of programs to combat terrorism; it should consolidate its authority over programs for combating terrorism into a Special Committee for Combating Terrorism—either a joint committee between the Houses or separate committees in each House—and Congressional leadership should instruct all other committees to respect the authority of this new committee and to conform strictly to authorizing legislation.”

The Congress’s strong interest in, and commitment to, U.S. efforts to combat terrorism is readily apparent. The Congress took the initiative in 1995 to improve the nation’s domestic preparedness against terrorism. But the Congress has also contributed to the Executive Branch’s problems. Over the past five years, there have been a half-dozen Congressional attempts to reorganize the Executive Branch’s efforts to combat terrorism, all of which failed. None enjoyed the support of the Executive Branch. At least 11 full committees in the Senate and 14 full committees in the House—as well as their numerous subcommittees—claim oversight or some responsibility for various U.S.

programs for combating terrorism. Earmarks in appropriations bills created many of the Federal government's specific domestic preparedness programs without authorizing legislation or oversight. The rapidly growing U.S. budget for combating terrorism is now laced with such earmarks, which have proliferated in the absence of an Executive Branch strategy. The Executive Branch cannot successfully coordinate its programs for combating terrorism alone. Congress must better organize itself and exercise much greater discipline.

The creation of a new joint committee or separate committees in each House is necessary to improve the nation's efforts to fight terrorism. The committee should have a substantial standing staff. The new National Office for Combating Terrorism must establish a close working relationship with the committee, and propose comprehensive and coherent programs and budget requests in support of the new national strategy. The new joint or separate committee should have the authority to dispose of the Executive Branch request and to oversee the execution of programs that it authorizes. For this to work, other Congressional authorizing committees with an interest in programs for combating terrorism must recognize the concurrent, consolidated authority of the joint or separate committee; and relevant appropriations committees must exercise restraint and respect the authorizing legislation of the new structure. We recognize that this task is no less daunting than the Executive Branch reorganization that we propose above, but it is no less needed.

### **Specific Functional Recommendations**

The focus of the Advisory Panel continues to be on the needs of local and State response entities. "Local" response entities—law enforcement, fire service, emergency

medical technicians, hospital emergency personnel, public health officials, and emergency managers—will *always* be the “first response,” and conceivably the only response. When entities at various levels of government are engaged, the responsibilities of all entities and lines of authority must be clear.

1. *Collecting Intelligence, Assessing Threats, and Sharing Information.* The National Office for Combating Terrorism should foster the development of a consolidated all-source analysis and assessment capability that would provide various response entities as well as policymakers with continuing analysis of potential threats and broad threat assessment input into the development of the annual national strategy. That capability should be augmented by improved human intelligence collection abroad, more effective domestic activities with a thorough review of various Federal guidelines, and reasonable restrictions on acquisition of CBRN precursors or equipment. The National Office should also foster enhancements in measurement and signature intelligence, forensics, and indications and warning capabilities. To promote the broadest possible dissemination of useful, timely (and if necessary, classified) information, the National Office should also oversee the development and implementation of a protected, Internet-based single-source web page system, linking appropriate sources of information and databases on combating terrorism across all relevant functional disciplines.
2. *Operational Coordination.* The National Office for Combating Terrorism should encourage Governors to designate State emergency management entities as domestic preparedness focal points for coordination with the Federal government.

The National Office should identify and promote the establishment of single-source, “all hazards” planning documents, standardized Incident Command and Unified Command Systems, and other model programs for use in the full range of emergency contingencies, including terrorism. Adherence to these systems should become a requirement of Federal preparedness assistance.

3. *Training, Equipping, and Exercising.* The National Office for Combating Terrorism should develop and manage a comprehensive national plan for Federal assistance to State and local agencies for training and equipment and the conduct of exercises, including the promulgation of standards in each area. The National Office should consult closely with State and local stakeholders in the development of this national plan. Federal resources to support the plan should be allocated according to the goals and objectives specified in the national strategy, with State and local entities also providing resources to support its implementation.
4. *Health and Medical Considerations.* The National Office for Combating Terrorism should reevaluate the current U.S. approach to providing public health and medical care in response to acts of terrorism, especially possible mass casualty incidents and most particularly bioterrorism. The key issues are insufficient education and training in terrorism-related subjects, minimum capabilities in surge capacity and in treatment facilities, and clear standards and protocols for laboratories and other activities, and vaccine programs. A robust public health infrastructure is necessary to ensure an effective response to terrorist attacks, especially those involving biologic agents. After consultation with public

health and medical care entities, the National Office should oversee the establishment of financial incentives coupled with standards and certification requirements that will, over time, encourage the health and medical sector to build and maintain required capabilities. In addition, Federal, State, and local governments should clarify legal and regulatory authorities for quarantine, vaccinations, and other prescriptive measures.

5. *Research and Development, and National Standards.* The National Office for Combating Terrorism should establish a clear set of priorities for research and development for combating terrorism, including long-range programs. Priorities for targeted research should be responder personnel protective equipment; medical surveillance, identification, and forensics; improved sensor and rapid readout capability; vaccines and antidotes; and communications interoperability. The National Office must also coordinate the development of nationally recognized standards for equipment, training, and laboratory protocols and techniques, with the ultimate objective being official certification.
6. *Providing Cyber Security Against Terrorism.* Cyber attacks inside the United States could have “mass disruptive,” even if not “mass destructive” or “mass casualty” consequences. During the coming year, the Advisory Panel will focus on specific aspects of critical infrastructure protection (CIP), as they relate to the potential for terrorist attacks. In our discussions thus far, we have identified several areas for further deliberation, including CIP policy oversight; standards; alert, warning, and response; liability and other legal issues, and CIP research. We will make specific policy recommendations in our next report.

## ***Areas of Agreement and Disagreement with the Report of The National Commission on Terrorism***

Mr. Chairman, the charters and objectives of the Bremer Commission and the Gilmore Commission are, for the most part, very different. The Bremer Commission focused on international terrorism. The Gilmore Commission's clear mandate is on domestic preparedness—deterring, preventing, and responding to terrorist incidents inside the borders of the United States.

There are, nevertheless, several overlapping areas of interest between the two reports and the attendant findings and recommendations.

Both panels agree on the increasing nature of the threat of international terrorism, including the potential for more attacks from international groups inside the borders of the United States.

Both panels specifically agree that certain measures must be taken to improve intelligence collection and dissemination on terrorists, including:

- Repealing the 1995 Director of Central Intelligence Guidelines as they apply to recruiting terrorist informants
- Reviewing and clarifying, as may be indicated, the Attorney General's Guidelines on Foreign Intelligence Collection and the Guidelines on General Crime, Racketeering Enterprise, and Domestic Security/Terrorism Investigations
- Directing the Department of Justice Office of Intelligence Policy and Review not to require a process for initiating actions under the Foreign Intelligence Surveillance Act that are more stringent than those required by the statute

Both panels agree that significant improvements must be made in the ability of intelligence and law enforcement agencies to collect, analyze, disseminate and share intelligence and other information more effectively.

Both panels agree that there must be a comprehensive strategy or plan for dealing with terrorism, including the ways in which both the Executive Branch and the Congress develop and coordinate program and budget processes.

Both panels agree in principal that the Department of Defense (DoD) and U.S. Armed Forces may have a major role in preventing or responding to a terrorist attack, especially one involving a chemical, biological, radiological or nuclear device. We likewise strongly agree that insufficient planning, coordination, training, and exercises have been developed and implemented for the possibility of major DoD and military involvement. The one area in which we disagree has to do with “lead agency.” The Bremer Commission suggests that a response to a catastrophic attack may indicate the designation of DoD as Lead Agency. While we agree that DoD may have a major role, we firmly believe that the military must always be directly under civilian control. As a result, we recommend that the President always designate a Federal civilian agency other than the Department of Defense (DoD) as the Lead Federal Agency. Many Americans will not draw the technical distinction between the Department of Defense—the civilian entity—and the U.S. Armed Forces—the military entity. Although the Department of Defense and every major component of that department have civilian leaders, the perception will likely be that “the military” is in the lead. This recommendation does not ignore the fact that the DoD, through all of its various agencies—not just the Armed Forces—has enormous resources and significant capabilities for command, control, communications, intelligence, logistics, engineer, and medical support and may play a major role in response to a terrorist attack, especially one with potentially catastrophic

consequences. Those resources can still be brought to bear but should, in our view, always be subordinated to another civilian agency.

### *Summary*

Mr. Chairman and Members of the subcommittee, the members of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction are convinced that the essence of its recommendations are essential to the national effort to combat terrorism: the promulgation of a truly national strategy; the appointment of a senior person at the Federal level who has the responsibility—importantly, who can be *seen* as having the responsibility—for coordinating our national efforts; improvements in the way Congress addresses this issues; and the implementation of the functional recommendations dealing with:

- improving intelligence, threats assessments, and information sharing;
- better planning, coordination and operations;
- enhanced training, equipping, and exercising;
- improving health and medical capabilities;
- promoting better research and development and developing national standards;
- enhancing efforts to counter agroterrorism; and
- improving cyber security against terrorism.

With the exception of the one dissent on the issue of a lead role for the military, our recommendations are as firmly unanimous as we believe that they are reasonable and specific.

This is not a partisan political issue. It is one that goes to the very heart of public safety and the American way of life. We have members on our panel who identify with

each of the major national political parties, and represent views across the entire political spectrum. We urge Members on both sides of the aisle, in both Houses of the Congress, to work with the Executive Branch to bring some order to this process and to provide some national leadership and direction to address this critical issue.

Thank you again for this opportunity.